

REMARKS

Reconsideration of the allowability of the present application is requested respectfully.

Status of the Claims

Claims 1 to 33 were acted upon by the Examiner in the Office Action dated February 25, 2004. Claims 32 and 33 were withdrawn. Claims 1 to 5, and 14 to 28 are in condition for allowance. Claims 6 to 13 and 25 have been amended. No Claims have been cancelled. No Claims have been added. Accordingly, Claims 1 to 31 are presented for examination.

Support for Amendments

Claims 6 to 13 have been amended to particularly point out to which material "pH" refers. Accordingly, Claims 6 to 13 have been amended to recite "...wherein the pH of said composition...". Support for these amendments is found on page 3, lines 15 to 21, of the application.

Claim 25 has been amended to recite "A method for preparing a stabilized recombinant adenovirus formulation comprising preparing an admixture of a recombinant adenovirus comprising ...". Support for this amendment is found on 14, lines 28 to 32, of the application.

ARGUMENTS

The Objections to the Specification

The first paragraph of the specification has been objected to for not including the phrase "under 119(e)". The specification has been amended to recite "under 35 U.S.C. §119(e)". Accordingly, applicants respectfully request that the Examiner's objection to the specification be withdrawn.

The 35 U.S.C. §112, second paragraph, Rejections

Claims 6 to 13 have been rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the invention. The Examiner has asserted that Claims 6 to 13 are indefinite because it is not apparent to which material the recitation "wherein the pH" refers.

Applicants have amended Claims 6 to 13 to recite "wherein the pH of said composition". Since this amendment distinctly points out that the pH referred to in Claims 6 to 13 is the pH of the composition, applicants respectfully submit that Examiner's rejection of Claims 6 to 13 under 35 U.S.C. §112, second paragraph be withdrawn.

Claims 29 to 31 have been rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the invention. The Examiner has asserted that Claims 29 to 31, which depend indirectly from Claim 25, are indefinite because the term "the admixture" lacks antecedent basis.

Applicants have amended Claim 25 to recite "A method for preparing a stabilized recombinant adenovirus formulation comprising preparing an admixture of a recombinant adenovirus comprising ...". Since this amendment provides antecedent basis for the term "the admixture" in Claims 29 to 31, applicants respectfully submit that Examiner's rejection of Claims 29 to 31 under 35 U.S.C. §112, second paragraph be withdrawn.

Supplemental Information Disclosure Statement

The Examiner has indicated that publications EP 0 200 590 B1, EP 0236 210 B1, and WO 97/33975 have not been considered because these references are not in English. Applicants submit herewith a Supplemental Information Disclosure Statement which supplements the IDS's filed June 10, 2002 and November 14, 2002. The publications listed on the enclosed Form PTO-1449 (Modified), US 4,914,027, US 5,100,784, and US 6,248,588 are English language versions of EP 0 200 590 B1, EP 0236 210 B1, and WO 97/33975, respectively.

It is requested respectfully that the information identified on the enclosed Form PTO-1449 (Modified) be made of record and considered with respect to the present patent application. As the three publications are U.S. patents, no copies of the publications are enclosed. The Examiner is requested to indicate that each item on the enclosed Form PTO-1449 (Modified) has been considered by initialing and dating the enclosed Form and returning a copy of same to the undersigned. Furthermore, as US 4,914,027, US 5,100,784, and US 6,248,588 are English language versions of EP 0 200 590 B1, EP 0236 210 B1, and WO 97/33975, respectively, it is requested that EP 0 200 590 B1, EP 0236 210 B1, and WO 97/33975 also be made of record and considered with respect to the present patent application.

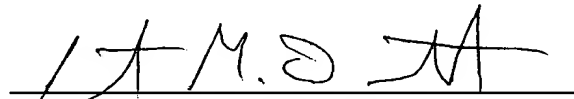
This Information Disclosure Statement is filed after a first Office Action on the merits. Accordingly, applicants submit herewith a check in the amount of \$180 as prescribed by 37 C.F.R. §1.97(c). Identification of information on the attached Form, or in this statement, is not an admission that such information is prior art to the invention claimed in the present application or that such information is in an analogous art area.

In re Application of Shian-Jiun Shih, et al.
Application No. 09/763,210

S&L File No. P27,073 USA
May 25, 2004
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The Commissioner is authorized hereby to charge any fees or credit any overpayment associated with this Statement (copy enclosed) to Deposit Account Number 19-5425.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.M.D.' followed by a stylized flourish.

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